



**U.S. Citizenship  
and Immigration  
Services**

**Non-Precedent Decision of the  
Administrative Appeals Office**

In Re: 9442557

Date: OCT. 16, 2020

**Motion on Administrative Appeals Office Decision**

Form I-140, Immigrant Petition for Alien Worker (Advanced Degree, Exceptional Ability, National Interest Waiver)

The Petitioner, a petroleum engineer, seeks second preference immigrant classification as a member of the professions holding an advanced degree, as well as a national interest waiver of the job offer requirement attached to this EB-2 classification. *See* Immigration and Nationality Act (the Act) section 203(b)(2), 8 U.S.C. § 1153(b)(2).

The Director of the Texas Service Center denied the petition, concluding that the Petitioner had not established that a waiver of the required job offer, and thus of the labor certification, would be in the national interest. We dismissed the Petitioner's appeal and two subsequent motions. The matter is now before us on a third motion to reopen.

In these proceedings, it is the petitioner's burden to establish eligibility for the immigration benefit sought. Section 291 of the Act, 8 U.S.C. § 1361. Upon review, we will dismiss the motion.

**I. LAW**

A motion to reopen is based on documentary evidence of new facts. The requirements of a motion to reopen are located at 8 C.F.R. § 103.5(a)(2). We may grant a motion that satisfies these requirements and demonstrates eligibility for the requested immigration benefit.

**II. ANALYSIS**

In our previous decision, we determined that the Petitioner had not sufficiently demonstrated that he is well positioned to advance his proposed endeavor and therefore he did not meet the second prong of the *Dhanasar* analytical framework.

In discussing the evidence offered in support of the second motion, our previous decision stated that the Petitioner's published and presented work, workshop participation, and invitations requesting his manuscripts and editorial services all post-dated the filing of the petition. In addition, we explained that while the downloads of the Petitioner's articles corroborate that he has disseminated his findings, they are not sufficient to demonstrate that his work has been influential among petroleum engineering

researchers, has served as an impetus for progress or generated positive discourse in the field, or otherwise represents a record of success or progress rendering him well positioned to advance his proposed research. Furthermore, we determined that the Petitioner's self-compiled list of citations lacked probative value and did not demonstrate citations to his work by others in the field. We further indicated that he had not provided comparative statistics indicating how often other petroleum engineering researchers are cited, nor otherwise demonstrated that his published and presented research constitutes a record of success or a level of interest in his work from relevant parties sufficient to meet *Dhanasar*'s second prong. Finally, we concluded that while the White House Fact Sheet and the article from the U.S. Department of Energy (DOE) both helped show the substantial merit and national importance of the Petitioner's proposed work under *Dhanasar*'s first prong, they did not relate to whether he is well positioned to advance his proposed research.

With the present motion, the Petitioner does not offer new facts or evidence relevant to our aforementioned findings. Instead, the Petitioner submits a November 2012 letter from [REDACTED] [REDACTED] offering him "the position of Reservoir Engineer, located in [REDACTED] TX." He also presents a December 2019 letter verifying his employment with [REDACTED] from November 2012 until August 2015. Additionally, the Petitioner offers three letters of support from his former coworkers at [REDACTED] discussing his work experience and projects at the company.<sup>1</sup> His motion also includes certificates indicating that he has completed courses in "CO<sub>2</sub> sequestration with GEM," "Schlumberger Information Solutions – Petrel Introduction," "Chemical EOR using STARS & CMOST," "Reservoir Geomechanics," and "MOOC Oil and Gas – From Exploration to Distribution."<sup>2</sup> Furthermore, as documentation that his work has generated interest and positive discourse in the field, the Petitioner presents articles discussing carbon capture, the production of water from saline aquifers through carbon dioxide capture and storage operations, pre-injection brine production in CO<sub>2</sub> storage reservoirs, brine management for geologic carbon sequestration, the enhancement of CO<sub>2</sub> storage capacity with brine production, and the DOE's selection of five projects that will study the feasibility of using brine from CO<sub>2</sub> storage sites to produce fresh water.<sup>3</sup>

While the Petitioner has offered new evidence with the present motion, this documentation does not relate to our discussion of the evidence for the prior motion. The Petitioner's motion does not include new information or evidence that overcomes the grounds underlying our previous decision and that renders him eligible under the second prong of the *Dhanasar* analytical framework.

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<sup>1</sup> The letters from the Petitioner's coworkers at Weatherford International do not provide specific examples of how his work has affected the oil and gas industry, has served as an impetus for progress or generated positive discourse in his field, or otherwise represents a record of success or progress rendering him well positioned to advance his proposed carbon sequestration research.

<sup>2</sup> While these certificates indicate that the Petitioner has received training in his specialty, the record does not show that this training renders him well positioned to advance his proposed research endeavor. We look to a variety of factors in determining whether a petitioner is well positioned to advance his proposed endeavor, and education is merely one factor among many that may contribute to such a finding.

<sup>3</sup> These articles do not identify the Petitioner or include a discussion of the significance of his work. Accordingly, they do not show that his work has generated interest or positive discourse in his field at a level that renders him well positioned to advance his proposed research.

### III. CONCLUSION

As the Petitioner has not established new facts relevant to our previous decision that would warrant reopening of the proceedings, we have no basis for reopening of our decision, and his underlying petition remains denied. He has not established he is eligible for or otherwise merits a national interest waiver as a matter of discretion.

**ORDER:** The motion to reopen is dismissed.